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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,337	09/26/2003	Rami Caspi	12003P08216US	9686

7590 02/02/2006

Attn: Elsa Keller, Legal Administrator
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

CAI, WAYNE HUU

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,337

Applicant(s)

CASPI ET AL.

Examiner

Wayne Cai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9, and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to Amendment dated January 20, 2006.

Response to Arguments

1. Applicant's arguments filed have been fully considered but they are not persuasive.

Regarding arguments of independent claims 1, 8, and 15, the Examiner respectfully disagrees with the Applicant's assertions or statements because the combination of Murray and Preston teach or suggest all the claim limitations. Specifically, Murray and Preston teach or suggest, "wherein said position-presence correlation rules include loss of a GPS signal." and "a location is assigned in responsive to said loss of a position signal."

As indicated in previous office action, Murray teaches at column 4, line – column 5, line 1, "The application server 76 controls and manages communication of the update message 36 to the plurality of wireless communication devices 40 in response to location information and a multitude of unscheduled and scheduled events by sending wireless messages to the plurality of wireless devices 40." and column 5, lines 6-9 that "The application server 76 receives position and location information of the plurality of wireless communication devices 40 via a reply message 50 or includes within any other inbound transmission message." Clearly, the portion of citation above teaches the application server 76 (i.e., database controller) for maintaining the position-presence

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correlation rules (i.e., managing the schedules based on the location of the wireless devices.)

The Examiner relies on Preston for the teaching of position-presence correlation rules includes loss of a positioning signal. Indeed, Preston teaches that the system employs the digital altimeter's ability to accurately update a users location during periods of signal loss (see Preston, column 26, lines 45-67). This portion of the reference teaches or suggests a position-presence correlation rule is that to utilize the digital altimeter's to update or determine the users location in the event of loss signal.

Therefore, the combination of Murray's and Preston's teaching are appropriate because Murray teaches a database controller for maintaining data or information, specifically the location of the wireless devices. On the other hand, Preston's specifically describes how to determine or update the user's location in the event of loss signal (i.e., employing the digital altimeter's ability to accurately update a user location during periods of signal loss.)

The Examiner previously indicated that claims of the present application conflict with claims of other applications 10/672,621, 10/672,899, 10/676,367, 10/672,364, 10/672,057, and 10/672,641. The Examiner also notes that even though not all the claims in the present application and other applications are exactly the same. However, the main invention is still the same, and by merely and variously recites different types of positioning information in different applications would not be considered as different inventions. It would be considered as obvious variations and one skilled in the art would be able to modify and include different types of positioning information. Also, the

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Applicant's argument made in the Remarks in response to the Double Patenting rejection is not sufficient; therefore, previous Double Patenting rejection is still maintained. The Examiner respectfully presents all the independent claims from the co-pending applications in which the Examiner identifies as conflicting with the claims of present application. Furthermore, the Examiner respectfully requests the Applicant to cancel any other the conflicting claims, or file terminal disclaimer as if any one of these applications are patented.

Independent claim 1 of the present application recites positioning information of the present application including information related to loss of position signal an wherein a location is assigned responsive to said loss of a position signal,

Independent claim 1 of Application No. 10/672,621 recites positioning information of including information related to a speed of movement.

Independent claims 8, and 15 of the present application recites wherein said position-presence correlation rules including loss of a GPS signal.

Independent claims 7, and 13 of Application No. 10/672,621 recites positioning information including device speed.

Independent claims 1, and 15-16 of the present applications are similar to independent claims 1, and 12-13 of Application No. 10/672,899, respectively.

Independent claims 1, and 8 of the present applications are similar to independent claims 1, and 11 of Application No. 10/672,367, respectively.

Independent claims 1, 8, and 15 of the present applications are similar to independent claims 1, 9, and 24 of Application No. 10/672,364, respectively.

Independent claims 1, and 15 of the present applications are similar to independent claims 1, and 7 of Application No. 10/672,057, respectively.

Independent claims 1, 8, and 15 of the present applications are similar to independent claims 1, 9, and 15 of Application No. 10/672,641, respectively.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-9, and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Preston et al. (hereinafter "Preston") (US – 6,144,336).

Regarding claim 1, Murray a telecommunications system, comprising:

- a plurality of network clients (fig. 2, element 32) including a positioning controller (element 79) and a communications controller (elements 92 & 94);

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- a positioning server including a coordinating controller (col. 6, lines 31-43) for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server (col. 4, line 60 - col. 5, line 9);
- wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said communications controller (col. 6, lines 15-31)

Murray, however, does not specifically disclose said positioning information including information related to loss of a position signal, and wherein a location is assigned responsive to said loss of a position signal.

In a similar endeavor, Preston discloses a system and method to communicate time stamped, 3-axis geo-position data within telecommunication networks. Preston also discloses wherein said positioning information including information related to loss of a position signal (col. 26, lines 45-57), and wherein a location is assigned responsive to said loss of a position signal (col. 26, lines 58-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a loss of a position signal as another parameter as desired, and using that information in locating or identifying the location of the device.

Regarding claim 2, Murray and Preston disclose a telecommunications system in accordance with claim 1, except for wherein said plurality of network clients are configured to associate said loss of said position signal with being inside a building. It is however obvious to one skilled in the art that the loss of global signal could be caused

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by any reasons such as an obstruction of buildings, trees, or any other areas that are not clear. Hence, the loss of position signal with being inside a building is obvious and not novel.

Regarding claim 3, Murray and Preston disclose a telecommunications system in accordance with claim 2. Preston also discloses wherein said communications controller is adapted to transmit a position update to said positioning server upon a loss of said position signal (col. 26, lines 45-57).

Regarding claim 4, Murray and Preston disclose a telecommunications system in accordance with claim 3. Preston also discloses wherein said communications controller is adapted to transmit said position update upon said loss of said position signal (col. 26, lines 45-57), except for disclosing only transmit if said loss is correlated with a predefined position-presence correlation rule. Murray, however, discloses the transmission is correlated with a predefined position-presence correlation rule (col. 4, line 60 – col. 5, line 9). Hence, transmit said loss signal in accordance with the rule is also obvious to one skill in the art.

Regarding claim 5, Murray and Preston both disclose a telecommunications system in accordance with claim 4. Murray also discloses wherein said position signals comprise global positioning system signals (fig. 2, element 81).

Regarding claim 6, Murray and Preston disclose a telecommunications system in accordance with claim 5. Murray also discloses wherein said communications controller is a cellular telephone controller (col. 3, line 65 – col. 4, line 8).

Regarding claim 8, Murray discloses a telecommunications device, comprising:

- a positioning controller adapted to determine positioning information for said telecommunications device (fig. 2, elements 79, 92, and 94; and its descriptions);
- a cellular telephone controller adapted to receive said positioning information from said positioning controller (col. 8, lines 38-42) and cause said positioning information to be transmitted to an associated server (col. 5, lines 6-9, and col. 6, lines 15-43);
- a database controller for maintaining a database of position-presence correlation rules defining when said positioning information is to be transmitted (col. 4, line 60 – col. 5, line 9).

Murray, however, does not specifically disclose wherein said position-presence correlation rules include loss of a GPS signal (col. 26, lines 45-67).

In a similar endeavor, Preston discloses a system and method to communicate time stamped, 3-axis geo-position data within telecommunication networks. Preston further discloses wherein said position-presence correlation rules include loss of a GPS signal.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the loss of GPS signal as a position-presence rules so that in case of losing signal, then the pre-set rules could be applied. For instance, in the event of signal loss, then a digital altimeter could be used to update altitude.

Regarding claim 9, Murray, and Preston disclose a telecommunications device as recited in claim 8. Murray also teaches wherein said positioning controller receives

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Global Positioning System (GPS) signals to determine said positioning information (fig. 1, element 81 and its descriptions).

Regarding claim 11, Murray, and Preston disclose a telecommunications device as recited in claim 8, except for wherein said loss of said GPS signal is defined to indicate being inside a building. It is however obvious to one skilled in the art that the loss of global signal could be caused by any reasons such as an obstruction of buildings, trees, or any other areas that are not clear. Hence, the loss of position signal with being inside a building is obvious and not novel.

Regarding claim 12, Murray, and Preston disclose a telecommunications device as recited in claim 8. Murray further discloses wherein said cellular telephone controller transmits changes to location status to said associated server (col. 5, lines 6-9).

Regarding claim 13, Murray, and Preston disclose a telecommunications device as recited in claim 12. Preston also discloses a system and method to communicate time stamped, e-axis geo-position data within telecommunication networks. Preston also discloses wherein said communications controller is adapted to transmit a position update to said positioning server upon a loss of said position signal (col. 26, lines 45-57).

Regarding claim 14, Murray and Preston disclose a telecommunications device in accordance with claim 13. Preston also discloses wherein said communications controller is adapted to transmit said position update upon said loss of said position signal (col. 26, lines 45-57), except for disclosing only transmit if said loss is correlated with a predefined position-presence correlation rule. Murray, however, discloses the

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transmission is correlated with a predefined position-presence correlation rule (col. 4, line 60 – col. 5, line 9). Hence, transmit said loss signal in accordance with the rule is also obvious to one skill in the art.

Regarding claim 15, Murray discloses a telecommunications method, comprising:

- receiving one or more user positioning and presence correlation rules at a server, wherein positioning information is received from remote users having positioning controllers for receiving location information and communication controllers for transmitting said location information to said server via a wireless communication network (col. 3, lines 10-53);
- transmitting said one or more positioning and presence correlation rules to at least one of said remote users (col. 6, lines 15-31);

except for disclosing wherein said one or more positioning and presence correlation rules include loss of a positioning signal.

In a similar endeavor, Preston discloses a system and method to communicate time stamped, 3-axis geo-position data within telecommunication networks. Preston also discloses wherein said one or more positioning and presence correlation rules include loss of a positioning signal (col. 26, lines 45-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the loss of GPS signal to locate the location of the device prior the loss of signal.

Regarding claim 16, Murray, and Preston disclose a telecommunications method in accordance with claim 15. Murray further discloses: receiving positioning updates at said remote user (col. 3, lines 24-60); and transmitting presence updates to said server as specified in said one or more positioning and presence correlation rules (col. 6, lines 15-59).

Regarding claim 17, Murray and Preston both disclose a telecommunications method in accordance with claim 16, except for wherein said loss of positioning signal is defined as being inside a building. It is however obvious to one skilled in the art that the loss of global signal could be caused by any reasons such as an obstruction of buildings, trees, or any other areas that are not clear. Hence, the loss of position signal with being inside a building is obvious and not novel.

Regarding claim 18, Murray and Preston both disclose a telecommunications method in accordance with claim 15. Preston also discloses wherein said communication controller is adapted to transmit a position update to said associated server upon a loss of said position signal (col. 26, lines 45-57).

Regarding claim 19, Murray and Preston disclose a telecommunications method in accordance with claim 18. Preston also discloses wherein said communication controller is adapted to transmit said position update upon said loss of said position signal (col. 26, lines 45-57), except for disclosing only if said loss is correlated with a predefined positioning and presence correlation rule. Murray, however, discloses the transmission is correlated with a predefined position-presence correlation rule (col. 4,

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line 60 – col. 5, line 9). Hence, transmit said loss signal in accordance with the rule is also obvious to one skill in the art.

Regarding claim 20, Murray and Preston both disclose a telecommunications method in accordance with claim 19. Murray also discloses wherein said loss of signal is associated with a hysteresis threshold (col. 6, lines 21-60).

Double Patenting

4. Claims 1, 8, and 15 of this application conflict with claims 1, 7, 13 of Application No. 10/672,621. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claims 1, 15-16 of this application conflict with claims 1, 12-13 of Application No. 10/672,899. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claims 1, and 8 of this application conflict with claims 1, and 11 of Application No. 10/672,367. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claims 1, 8, and 15 of this application conflict with claims 1, 9, and 24 of Application No. 10/672,364. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claims 1, and 15 of this application conflict with claims 1, and 7 of Application No. 10/672,057. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claims 1, 8, and 15 of this application conflict with claims 1, 9, and 15 of Application No. 10/672,641. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

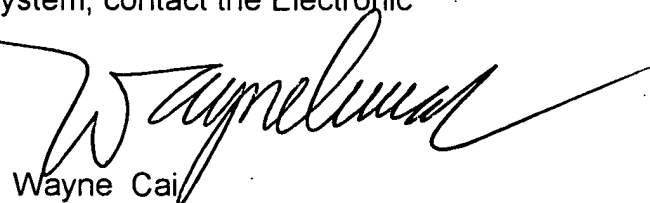
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (571) 272-7798. The examiner can normally be reached on Monday-Friday; 9:00-6:00; alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wayne Cai
Examiner
Art Unit 2681



ERIKA A. GARY
PRIMARY EXAMINER